IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6402 OF 2005
IN
CRIMINAL APPEAL NO. 689 OF 2002

Shri Sampat Ramu Patole .. Applicant
(Org.accused 2)

Vs.

State of Maharashtra ..Respondent.

Mr. R.V. Bansode for the applicant.
Mr.A.S. Shitole, A.P.P. for the State.

CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.

DATE : 11TH OCTOBERE, 2005.

P.C.

. Heard Mr. Bansode, the learned Counsel for the applicant. The applicant is original accused 2 in Sessions Case No. 27/1991, decided by the IInd Additional Sessions Judge, Pandharpur. The applicant along with other accused has been convicted under Section 302 and 324 r/w Section 34 of Indian Penal Code and sentenced to suffer life imprisonment. We are considering the bail application filed by the applicant. We have heard the learned Counsel for the applicant. He submitted that accused 1 has been released on bail. The prosecution case is that both accused 1 and 2 had axe in

their hands and since accused 1 has been released on bail, the applicant who is accused 2 should be released on bail. We are unable to agree with the learned Counsel for the applicant, because in the dying declaration, deceased has stated that it is the present applicant who dealt the axe blow on her. There are eye witnesses to the incident in question. The case of the applicant is different from that of accused 1, who has been released on bail. Bail cannot be granted to the present applicant. Application is rejected

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]